

IN SENATE OF THE UNITED STATES.

FEBRUARY 3, 1848.

Submitted, and ordered to be printed.

Mr. MILLER made the following

REPORT:

[To accompany bill S. No. 126.]

*The Committee on Naval Affairs, to whom was referred the petition of Anna J. Hassler, widow of Charles A. Hassler, late surgeon in the navy, for a pension, have had the same under consideration, and make the following report:*

The petitioner asks that the benefits of the act of Congress of the 30th June, 1834, granting pensions to the "widows of officers, seamen, and marines who may die in the service by reason of disease contracted, or of casualties by drowning, or otherwise, or of injuries received while in the line of their duty," may be extended to her. The facts of this case, as they have been made out to the satisfaction of the committee, are as follows:

That Dr. Hassler, while in the service of the United States, and in discharge of arduous duties in the gulf of Mexico, in the years 1844, 1845, and 1846, contracted a disease which affected his constitution and seriously impaired his health; that in the fall of 1846, the ship Falmouth, to which he was attached, was ordered to leave the gulf and to proceed to Boston; that on her passage, at Pensacola, Dr. Hassler's health became so feeble that the senior officer at that station ordered Surgeon Nelson to relieve him from duty so long as the ship remained at that port, and Dr. Hassler was permitted to reside on shore, in order to recruit his health, until the ship should be ready to proceed on her voyage. Upon the sailing of the ship from Pensacola, it was found necessary, as stated in the order of the senior officer, in consequence of the great number of sick on board of the Falmouth, and the seriously impaired health of Surgeon Hassler, to direct Surgeon Nelson to remain on board the ship during her passage to Boston. On the passage his health continued so feeble as to unfit him for duty; and, upon the arrival of the ship at Boston, to wit, on the 24th November, 1846, he asked and obtained leave of absence expressly upon the ground of the impaired state of his health.

Surgeon Nelson says: "When I last saw him, his health was very much enfeebled, and I have not the least doubt that his dis-

ability from disease contracted while in the line of his duty, and inability to endure exposure, and to make the requisite exertions, were the chief causes of his having fallen one of the earliest victims in the wreck of the Atlantic."

Upon receiving leave of absence, Dr. Hassler left Boston for his residence, in New Jersey, and, in crossing Long Island sound, was drowned in the wreck of the Atlantic, on the 27th November, 1846. On the 10th December, 1846, the commander of the navy yard at Boston wrote to the Secretary of the Navy as follows:

"On the arrival of the Falmouth, Commander Jarvis informed me that the health of Surgeon Hassler was not good, and that he was very desirous of leaving this place as soon as possible. He, at the same time, handed me a written application from Surgeon Hassler for a leave of absence, which I granted the moment his services could be dispensed with.

"Enclosed are copies of Dr. Hassler's application, and of my answer thereto."

Upon this letter the Secretary of the Navy made the following endorsement: "Dr. Hassler was not detached, but was on duty as surgeon of the Falmouth when he was lost." Upon application, by the widow, to the Commissioner of Pensions for a pension under the above recited act, that officer refused the application upon the grounds that Surgeon Hassler was not on duty when he was drowned, nor died of a disease contracted while in the line of his duty, within the meaning of said act. The Secretary of the Navy, in transmitting the papers in this case to the late chairman of this committee, says:

"The circumstances of this case commended it strongly to the attention of the department; but, upon examination, it was found not to be embraced within the terms, strictly construed, of any naval pension law now in force.

"Under the impression, however, that it may be viewed as coming equitably within the intent of the act of June 30th, 1834, it is respectfully referred to the committee, in order that, if they think proper, they may communicate the papers to the Committee on Pensions, and suggest that some provision be made for the relief of Mrs. Hassler."

Upon these facts and circumstances, the committee are of opinion that this case, if not strictly within the words of the act above referred to, is clearly within its spirit and meaning. The leave of absence asked for, and granted to Dr. Hassler solely on the ground of his enfeebled state of health, was a necessary absence, made so by disease brought on by arduous duties in the service during a long cruise. An absence of this character could not, in any just sense, place him out of the line of duty. It was due to the service, as well as to a faithful officer, that he should have this privilege upon the arrival of the ship at Boston. His leaving the ship under those circumstances can hardly be said to be a volun-

tary absence. His state of health compelled him to seek relief on shore, and whether he sought that relief in a naval hospital at Boston, or in the comforts of his own family in New Jersey, he was not out of the line of his duty, but was, in contemplation of law, still attached to his ship, and on duty as surgeon of the Falmouth; and, if so, he died by the casualty of drowning while in the line of his duty.

The committee think there is a marked difference between this case and the case of voluntary absence obtained by an officer for his private business, or personal gratification. In the latter case, there is no necessity connected with the service to induce the absence from the ship, and if lost during such voluntary absence, he cannot be said to have died in the line of his duty.

As to the other point in this case—whether Doctor Hassler died of a disease contracted while in the service—the committee cannot, owing to the peculiar circumstances attending his death, come to to any certain conclusion. That such disease was upon him, and likely to prove mortal in a short time, is clearly shown. And there is much reason to believe that, if that disease was not the immediate cause of his death, it deprived him of all chance of escape, by having reduced him to such a feeble condition as deprived him of all power to save himself from the wreck in which he was lost.

In addition to the opinion of Doctor Nelson, above cited, we have also the opinion of Lieutenant Maynard, who was one of the few survivors of the wreck of the Atlantic, expressed in the following letter:

WASHINGTON, *January 21.*

SIR: Before making the acquaintance of Doctor Hassler on board of the steamer Atlantic, his extremely feeble and emaciated appearance not only arrested my attention, but was the subject of remark among some of the passengers on board; and though I cannot say that he would have been saved had he been in good health, yet, it is apparent to every candid mind, as it was most certainly to mine, that his feeble state of health very materially affected his chances of escape; for, when we recollect that some of the most robust men on board of the boat, (the chief engineer is an example,) though in the water barely five minutes, froze and fell on the wayside before reaching the house on the island, and was in this way found and picked up in a state of insensibility, it is hardly to be supposed that a man possessing, as he did, barely animal heat sufficient to keep him from freezing when he was dry and had his overcoat on, as I knew to be the case before the vessel struck, could possibly have survived the cold had he possessed strength enough to have reached the shore. And it should not be forgotten, that in the great energy he displayed in lending assistance to others, could not have failed in materially weakening an already exhausted and emaciated frame.

Your obedient servant,

L. MAYNARD,

*Lieutenant United States Navy.*

To WM. NOURSE, esq.

Your committee, under the facts and circumstances of this case, are of opinion that the petitioner is entitled to relief, and therefore recommend the passage of the accompanying bill.